

**REMARKS**

The examiner contends that the reply applicants filed on November 21, 2003 is not fully responsive to the prior Office Action because applicants did not submit an amended drawing with that reply. Applicants disagree. In the reply, applicants fully responded to the examiner's objection to the drawing. Pages 2 and 3 of applicants' November 21, 2003 reply, under the heading "Objection to the Drawings," present applicants' position that the drawing (i.e., applicants' figure 1) sufficiently illustrates the claimed invention, and thus does not require the modification that the examiner requested.

It is the examiner's prerogative to continue to find figure 1 defective – notwithstanding applicants' arguments to the contrary. Any decision to maintain the pending objection to that drawing does not, however, alter the fact that applicants fully and appropriately responded to it. If the examiner chooses to maintain that objection, it would be improper to find that applicants abandoned the pending application solely because the examiner disagrees with applicants' contention that it is unnecessary to amend figure 1. Because applicants' November 21, 2003 reply is fully responsive to the prior Office Action, including being fully responsive to the examiner's objection to applicants' drawing, applicants respectfully request the examiner to consider that reply in its entirety and to allow pending claims 9-15 to issue.

Given this opportunity to further explain why the examiner should withdraw the pending objection to the drawings, applicants respectfully request the examiner to consider the following. The novelty of the claimed invention lies

in replacing the conventional passivation layer, which is made from materials that are transparent to ultraviolet light, with "a passivation layer . . . that is not transparent to ultraviolet light" to create a flash memory that includes this new feature. Applicants' figure 1 fully illustrates the novel aspect of applicants' claimed invention by showing passivation layer 103, which is opaque to ultraviolet light, positioned above substrate 101 "that includes conventional flash memory features, including flash memory cells." (See applicants' specification, at page 4, lines 5-6.) Because applicants' claimed invention does not modify the substrate upon which passivation layer 103 rests from one conventionally used in a flash memory, there is no reason to add further detail to substrate 101 that corresponds to conventional features that are found in a flash memory substrate.

Applicants understand the examiner to seek an amendment to figure 1 that places a labeled box within block 101 and beneath passivation layer 103 that represents a flash memory cell. As applicants explained, when replying to the prior Office Action, it is not essential for a proper understanding of the invention to modify figure 1 in that fashion. Just as a conventional passivation layer will cover the flash memory cells of current flash memory devices, anyone skilled in the art will recognize that the novel passivation layer 103, shown in applicants' figure 1, must cover the claimed device's flash memory cells.

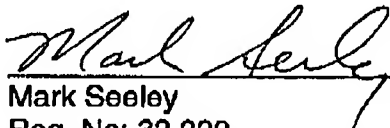
Inserting into figure 1 a labeled box within block 101 and beneath passivation layer 103 that represents a flash memory cell will not further clarify applicants' claimed invention, because anyone skilled in the art will already appreciate that substrate 101 includes flash memory cells that passivation layer

103 covers. Because applicants' figure 1 illustrates the novel passivation layer 103 positioned upon a conventional flash memory structure that is schematically represented in precisely the manner 37 C.F.R. §1.83(a) recommends, there is no reason to modify the drawing to include additional detail.

For the reasons set forth above, the reply applicants filed on November 21, 2003 was fully responsive to the prior Office Action, as that reply offered reasons why the examiner should withdraw the pending rejection to the drawings. Consequently, applicants respectfully request the examiner to consider the arguments applicants previously presented in that reply, as well as the additional points applicants raise here directed to applicants' contention that the examiner should withdraw the objection to the drawings.

Respectfully submitted,

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**CERTIFICATE OF TRANSMISSION**  
(37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office on February 24, 2004.

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